

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
SS Old Court Road 1800 ft. E of c/l of Dogwood Road  
9721 Old Court Road  
2nd Election District  
1st Councilmanic District  
James R. Higgs, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 98-464-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by James R. Higgs and Jean F. Higgs, his wife, property owners, for that property known as 9721 Old Court Road in the northwestern section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 72 ft. to the street centerline, in lieu of the minimum required 75 ft. in an R.C.2 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

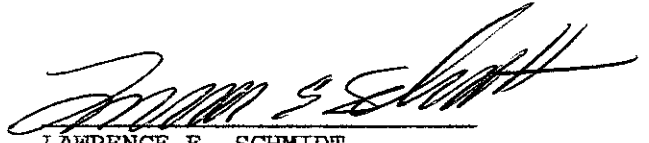
COPIES RECEIVED FOR FILING  
Date 6/25/98  
J. Higgs

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25<sup>th</sup> day of June 1998 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 72 ft. to the street centerline, in lieu of the minimum required 75 ft., in an R.C.2 zone, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

June 24, 1998

Mr. and Mrs. James R. Higgs  
9721 Old Court Road  
Baltimore, Maryland 21244

Property: 9721 Old Court Road  
Case No. 98-464-A

Dear Mr. and Mrs. Higgs:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
encl.





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 9721 Old Court Road

which is presently zoned

RC 2

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1901.3.B.3. To allow a front

yard setback of 72' to the street centerline for a proposed addition in lieu of the minimum required 75'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Expansion of existing bedroom necessary for accommodations of hospital bed, etc. in preparation of future health problems of retired residents. Expansion of 2nd floor not an option.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

JAMES R. HIGGS

(Type or Print Name)

Signature

JEAN F. HIGGS

(Type or Print Name)

Signature

9721 Old Court Road 410-922-2392

Address

Phone No

Baltimore Maryland 21244

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature]

DATE: 5-28-98

ESTIMATED POSTING DATE: 6/2/98



Printed with ink on Recycled paper

M #: 464

**98-464-A**

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9721 Old Court Rd  
address

BALTO, MD, 21244  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

(see front side)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James R. Higgs  
(signature)  
JAMES R. HIGGS  
(type or print name)



Jean F. Higgs  
(signature)  
JEAN F. HIGGS  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of MAY, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JAMES R. HIGGS & JEAN F. HIGGS

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5-26-98  
date

Barbara A. Mullen  
NOTARY PUBLIC

My Commission Expires: 2-1-02

BARBARA A. MULLEN  
NOTARY PUBLIC  
COMMISSION EXPIRES  
2-01-02

A-0-10-80

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9721 Old Court Rd  
address  
BALTO MD 21244  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

(see front side)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James R. Higgs  
(signature)  
JAMES R. HIGGS  
(type or print name)



Jean F. Higgs  
(signature)  
JEAN F. HIGGS  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of MAY, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James R. Higgs & Jean F. Higgs

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5-26-98  
date

Barbara A. Mullen  
NOTARY PUBLIC

My Commission Expires: 2-1-02

BARBARA A. MULLEN  
NOTARY PUBLIC  
COMMISSION EXPIRES  
2-01-02

A-444-88



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

9721 Old Court Road  
which is presently zoned RC 2

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1401.3.B.3 To allow a front

yard setback of 72' ~~James R. and Jean F. Higgs~~ to the street centerline  
for a proposed addition in lieu of the minimum required 75'.  
Section 444

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Expansion of existing bedroom necessary for accommodations of hospital bed, etc. in preparation of future health problems of retired residents. Expansion of 2nd floor not an option.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

JAMES R. HIGGS

(Type or Print Name)

Signature

Signature

Address

JEAN F. HIGGS

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

9721 Old Court Road 410-922-2392

Address

Phone No.

Signature

Baltimore, Maryland 21244

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No.

Name

City

State

Zipcode

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this \_\_\_ day of \_\_\_, 19\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JP

DATE: 5-28-98

ESTIMATED POSTING DATE: 6/7



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 464

**98-464-A**

464

ZONING DESCRIPTION FOR 9721 Old Court Road

Beginning at a point on the south side of Old Cort Road which is twenty feet wide at the distance of (1800) feet east of the centerline of Dogwood Road. Being known as 9721 Old Court Road, as recorded in Baltimore County Plat Book #6941, page # 444 , containing 19889 square feet. Located in the 2nd election district, 19th councilmatic district.

Metes and bouds; S. 17 33' 20" E. 422.74 ft., N. 29 57' 43" W. 272.00 ft., N. 29 57' 43" W. 149.05 ft., N. 54 56' 40" E. 94.86 ft., S 17 33' 20" E. 17.00 ft. to the place of beginning.

98.464-A



BALTIMORE COUNTY, MARY **VD**  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

*Item 464*  
No. 3722

DATE 5-28-98 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: for Mr. & Mrs. Higgs

FOR: Residential Variance (Admin) filing fee...  
9721 Old Court Rd. (21244)

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

PAID RECEIPT  
PROCESS ACTUAL TIME  
5/28/1998 5/28/1998 14:55:21  
REQ: MS06 CASHIER LGW LVS JASMER  
5 MISCELLANEOUS CASH RECEIPT  
Receipt # 060956  
CP NO. 053722  
50.00 CHECK  
Baltimore County, Maryland

98-464-A  
CASHIER'S VALIDATION

**CERTIFICATE OF POSTING**

RE: Case # 98-464-A  
Petitioner/Developer:  
(Mrs. Higgs)  
Date of Hearing/Closing:  
(June 22, 1998)

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by  
law were posted conspicuously on the property located at \_\_\_\_\_  
9721 Old Court Road Baltimore, Maryland 21244 \_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ June 5, 1998 \_\_\_\_\_  
(Month, Day, Year)

Sincerely,

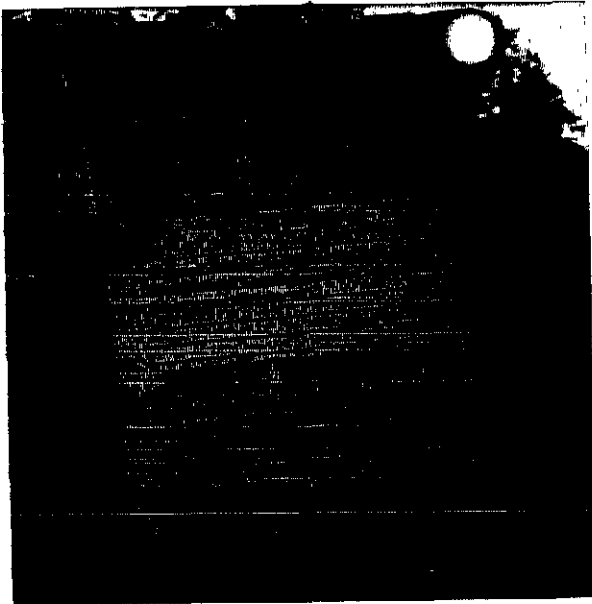
  
(Signature of Sign Poster & Date)

\_\_\_\_\_  
Thomas P. Ogle, Sr.

\_\_\_\_\_  
325 Nicholson Road

\_\_\_\_\_  
Baltimore, Maryland 21221

\_\_\_\_\_  
(410)-687-8405  
(Telephone Number)



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 98- 464 -A

Address 9721 Old Court Rd.

Contact Person: John Sullivan  
Planner, Please Print Name

Phone Number: 410-887-3391

Filing Date: 5-28-98

Posting Date: 6-7-98

Closing Date: 6-22-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and he/she is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Petitioner: This Part of the Form is for the Sign Poster Only

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 98- 464 -A

Address 9721 Old Court Rd.

Posting Date: 6-7-98

Closing Date: 6-22-98

Wording for Sign: To Permit a front yard setback of 72' to a street centerline for a proposed addition in lieu of the minimum required 75'.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 16, 1998

Mr. & Mrs. James Higgs  
9721 Old Court Road  
Baltimore, MD 21244

RE: Item No.: 464  
Case No.: 98-464-A  
Petitioner: James and Jean  
Higgs  
Location: 9721 Old Court Road

Dear Mr. & Mrs. Higgs:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 28, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR:ggs  
Attachment(s)





**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 66-9V  
Item No. 464 JJS

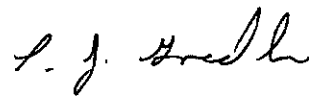
Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits  
and Development Management

DATE: June 8, 1998

FROM: Arnold F. "Pat" Keller, III, Director  
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 443, 444, 445, 450, 452, 455, 456, 462, 464, and 465

If there should be any questions or if this office can provide additional information,  
please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

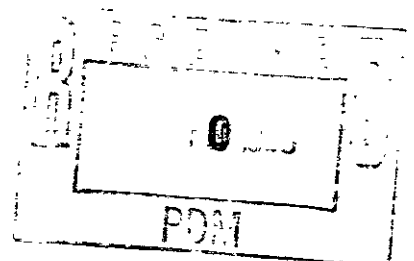
Prepared by:

*Jeffrey W. Long*

Division Chief:

*Cary L. Kerns*

AFK/JL





Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

June 12, 1998

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 8, 1998

Item No.: See Below                      Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

443, 444, 446, 447, 448, 449, 450, 452, 453, 455,  
456, 460, 461, 462, 463, 464, 465, and John D.  
Barone

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: June 23, 1998

FROM: *pub* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for June 15, 1998  
Item Nos. 442, 443, 444, 445, 450,  
451, 452, 453, 454, 455, 457, 458,  
459, 462, 463, 464, 465

Use Permit for Farmer's Roadside Stand  
John D. Barone & Beverlae Barone  
E/S York Road, 260' S of Sparks Road  
(14943 York Road)

16844 Wesley Chapel Road  
Case No. 98-381-SPHA

1820 Clearwood Road  
Case No. 98-438-SPHA

Hereford Plaza  
Case No. 97-308-SPHA

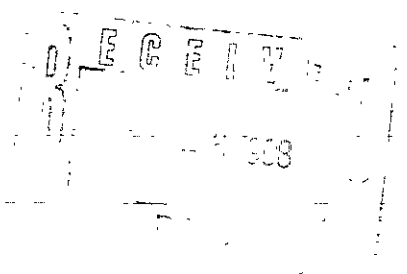
The Development Plans Review Division has reviewed the subject  
zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0615.NOC

*Close 6/22*





BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM  
FROM: R. Bruce Seeley.  
Permits and Development Review  
DEPRM  
SUBJECT: Zoning Advisory Committee  
Meeting Date: June 8, 98

DATE: 6/11/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

*additional Items.*

Item #'s:

444

454

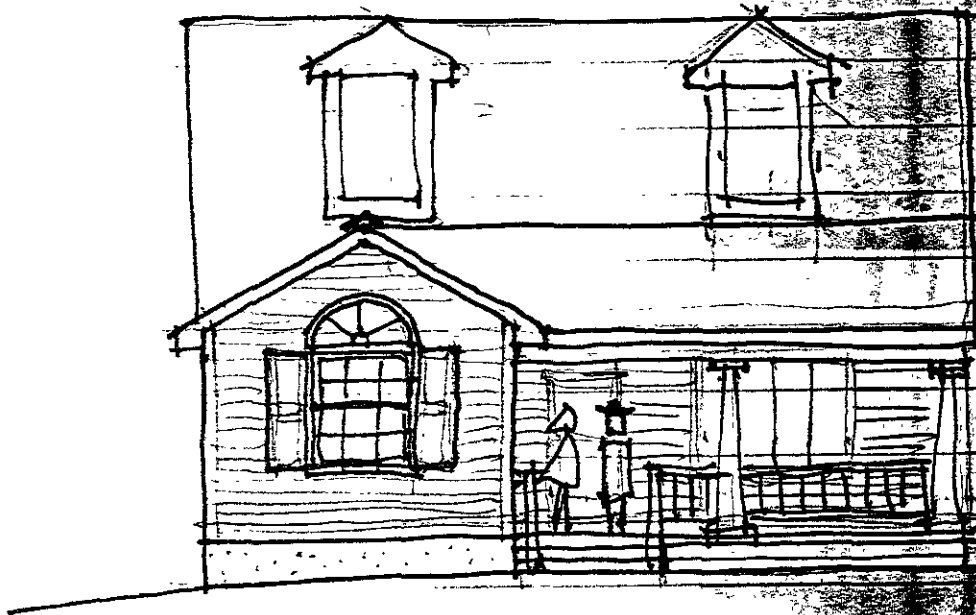
456

464

RBS:sp

BRUCE2/DEPRM/TXTS8P

BRANTLEY DESIGN / BUILD  
8609 KRATZ LANE  
BALTIMORE, MD. 21244  
410-521-5350



ELEVATION

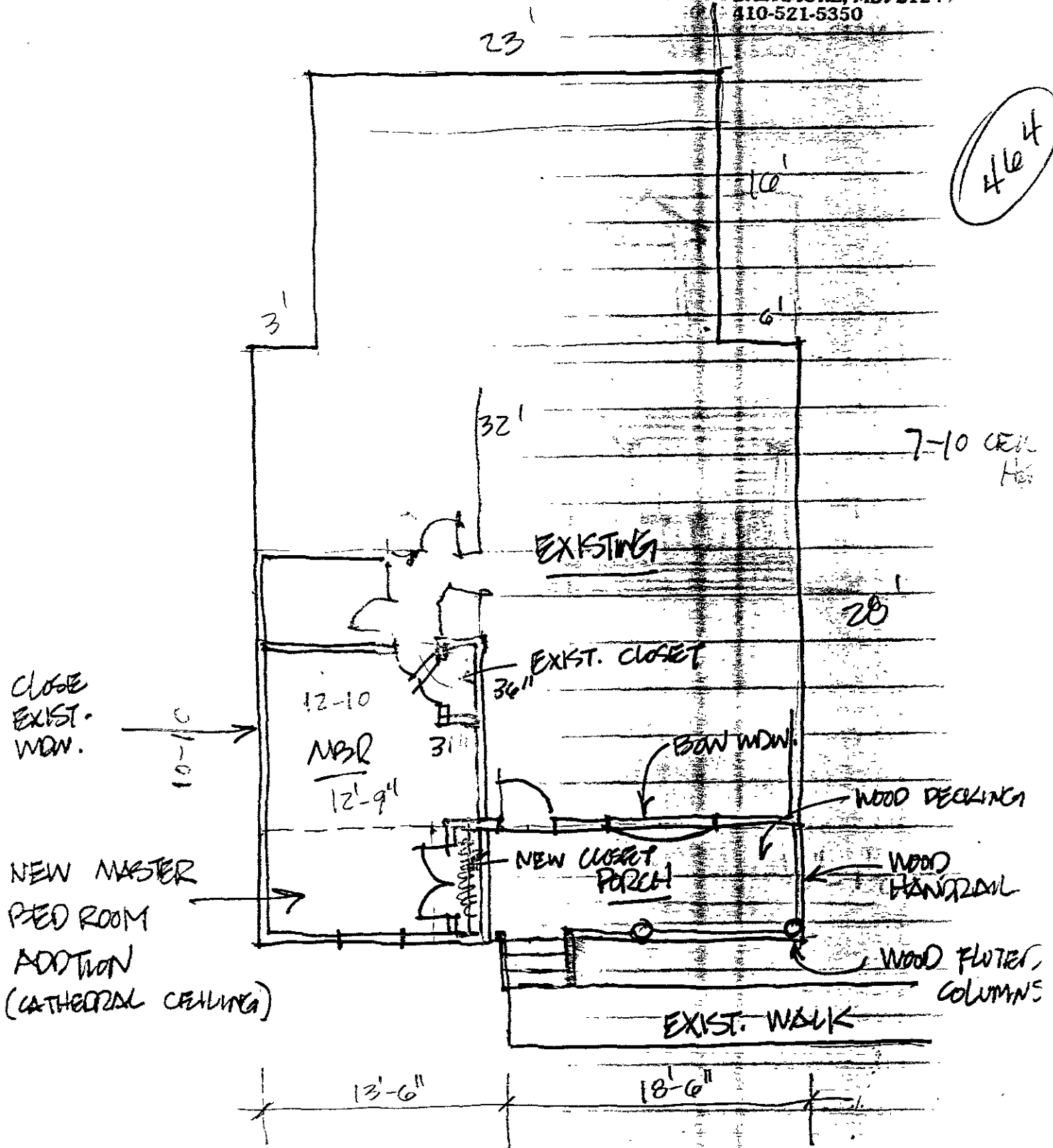
$\frac{1}{8}'' = 1'-0''$

HIGGS ADDITION

464

98-464-A

BRANTLEY DESIGN / BUILD  
8609 KRATZ LANE  
BALTIMORE, MD. 21244  
410-521-5350

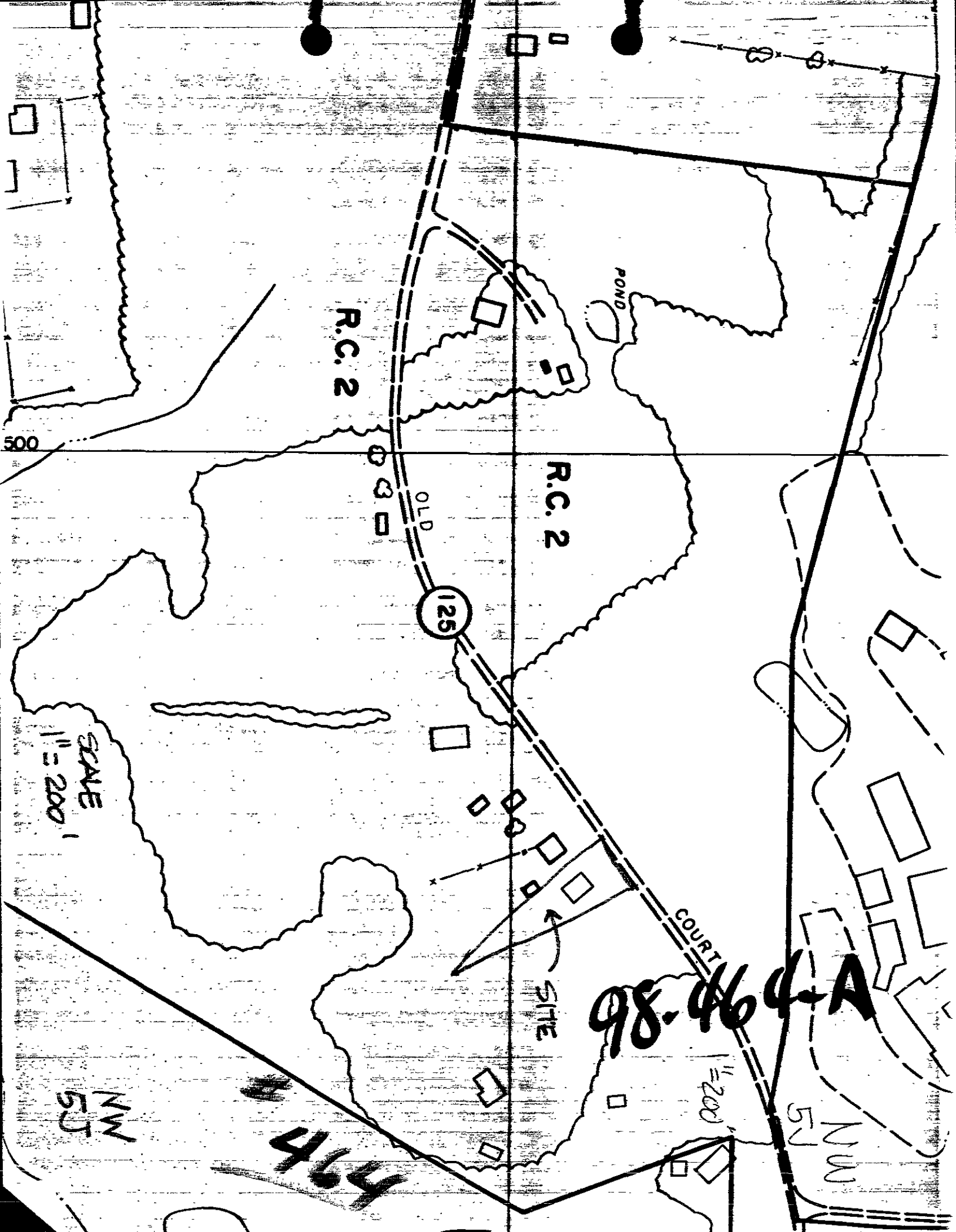


FLOOR PLAN

HIGGS ADDITION

1/8" = 1'-0"

4 APRIL 98



R.C. 2

R.C. 2

POND

125

OLD

COURT

SITE

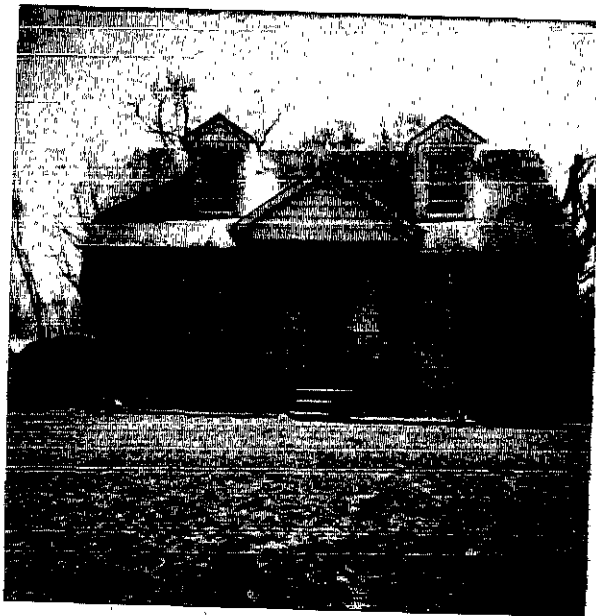
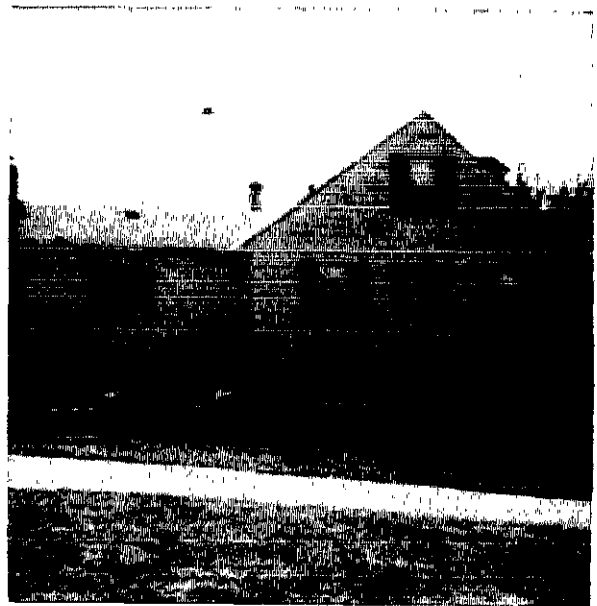
SCALE  
1" = 200'

NW  
50

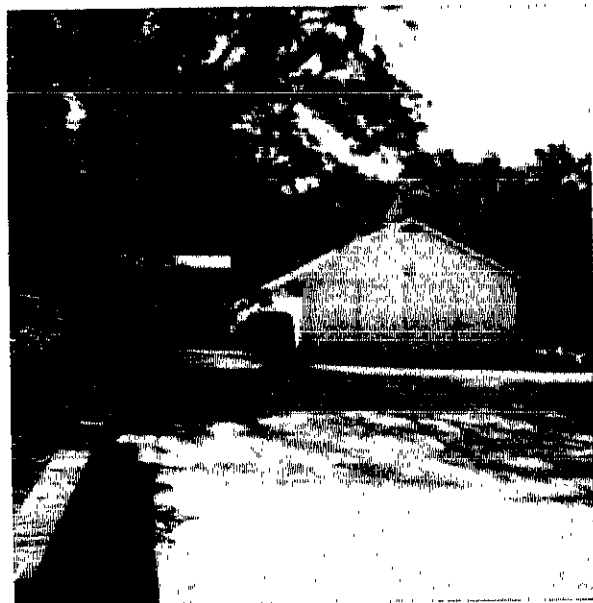
98-464-A

1" = 200'

NW  
50



98-464-A



98-464-A



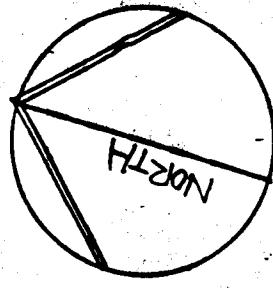


BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986	KRAFT CORNER	5-J

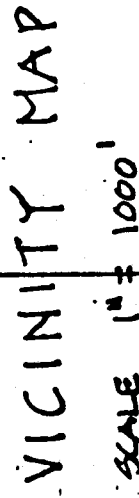


**OWNER: Jim & Jean Higgs**



DAY  
10999  
PAGE 686

DATE: 9 MAY 1998  
PREPARED BY: GDB  
SCALE 1" = 40'



reviewed by: **TYPE 2:** **CASE#:**

98-464-A